

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00192
STAFF PLANNER: Veronica Gonzalez
LOCATION/ADDRESS: 1350 S. Longmore
COUNCIL DISTRICT: District 3
OWNER: LEE & KAD, LLC
APPLICANT: Aaron Williams, FC Arizona

REQUEST: Requesting a Special Use Permit (SUP) to allow the number of special events to exceed the allowed maximum in the LC District.

SUMMARY OF APPLICANT'S REQUEST

The request is for a Special Use Permit (SUP) to allow the number of special events to exceed the maximum number allowed, in a calendar year, on property located in the LC zoning district. The applicant is requesting to locate and host beer garden events in the parking lot adjacent to the east side of the Mesa Community College (MCC) stadium.

STAFF RECOMMENDATION

Staff recommends **approval** of case BOA18-00192 **with the following conditions:**

1. Compliance with the site plan, project narrative and operation plan details except as modified by the conditions below.
2. Compliance with all requirements of the Development Services Department in the issuance of building permits.
3. Apply for and receive a Mesa Special Event License prior to each event.
4. Compliance with all requirements of the Special Event License.
5. The Special Use Permit allows up to six events per calendar year. The events may only be held during the months of April-June.
6. The Special Use Permit shall automatically expire on June 30, 2019 and be of no further force and effect.

SITE CONTEXT

CASE SITE: Existing paved retail center parking lot – zoned LC
NORTH: Existing retail center – zoned LC
EAST: (Across Longmore) Existing retail – zoned LC
SOUTH: Mesa Community College – zoned GC
WEST: Mesa Community College – zoned PS

STAFF ANALYSIS

The FC Arizona soccer team will play a series of home games at MCC stadium during the months of April, May and June. The applicant proposes to host an outdoor beer garden in the rear parking lot of an adjacent retail center. Each beer garden event is intended to coincide with FC Arizona home soccer games. The Mesa Zoning Ordinance (MZO) allows a maximum of up to four events conducted on the same premises within a calendar year. However, upon approval of a SUP, the applicant may exceed the maximum number of special events to be held on this property. Per the applicant, a total of six beer garden events are scheduled and will have hosted the maximum number of events, in accordance with MZO, prior to the date of this hearing. This request will allow the additional planned beer garden events.

The applicant proposes to enclose an area at the rear (west side) of the Korea Mart located at 1350 S. Longmore for use as a beer garden on select dates during home soccer games for FC Arizona at MCC. The beer garden area will measure 30' x 40', will be secured by chain link fencing and will have designated points of entry and exit. Beer garden patrons will have ample parking located nearby. In order to maintain a sanitary environment, trash receptacles will be spaced throughout the beer garden which will be removed and emptied immediately after the event and restroom facilities will be provided by MCC. Hours of operation for each event will be from 6:00 pm to 10:00 pm. The SUP is valid for one year and after that time, the use permit will be re-evaluated.

MZO 11-31-27: Special Events

According to MZO Section 11-31-27, special events are permitted in all zoning districts provided the following requirements are met:

REQUIREMENT	FINDINGS
The event is licensed in accordance with the provisions of Title 5 of the Mesa City Code;	An application for a Special Event License and Liquor License has been submitted to the Business Services Department Licensing Division. Approval of the license is currently pending.
The duration of the event does not exceed the time period specified in the special event license or a maximum of 4 consecutive days, whichever is less;	Each beer garden event is a maximum of one day from 6:00 pm – 10:00 pm.
No more than 4 events are conducted on the same premises during the calendar year;	The number of events planned for the year exceed the maximum allowed. However, per MZO Sec. 11-31-27.D.1, upon approval of this request for a SUP, the maximum number of events may be exceeded.
The site of the event is adequately served by utilities and sanitary facilities; and	The event will have portable trash receptacles placed throughout the beer garden area that will be emptied and removed after each event. Restroom facilities will be provided at the MCC stadium and the site is adequately served by utilities.
The event will not present a safety hazard or public disturbance and will not cause substantial adverse impacts on surrounding properties or land uses by creating excessive noise, glare, heat, dust, odors, or pollutants as determined by the Director and Fire Marshal.	The event organizers have arranged for security that will include an off-duty Mesa police officer. Security will be responsible for ensuring attendees are 21 years of age or older as well as preventing alcoholic beverages from leaving the premises. Since the beer garden will be located at the rear of the retail center on Saturday evenings, the applicant does not anticipate a high volume of vehicular traffic; however, fencing for the beer garden will be set so as to allow traffic to pass. The beer garden is intended as a supporting event to the soccer games taking place at MCC stadium and there are not any existing residences in the area that will be negatively impacted.

MZO 11-70-5: Special Use Permit

MZO 11-70-5 provides required findings for approval of a SUP. To approve the request, the Board must find the following criteria are met:

REQUIREMENT	FINDINGS
Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;	The site is located in a Mixed Use Activity District (MUAD) bordering MCC, which is in a Specialty District character area as defined in the General Plan. This retail use is appropriate to the MUAD, and the proposed special event will support activities at MCC.
The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;	The proposed location size design and operational character of the proposed beer garden, as defined in the plan and project narrative, comply with required criteria for a special event.
The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and	The proposed beer garden events are one-day events scheduled to coincide with FC Arizona home soccer games from 6:00 pm – 10:00 pm. The events will be located on the west side of an existing retail center adjacent to MCC stadium. Given the location on the property and compatibility with activities taking place at the stadium, staff believe the use will be injurious or detrimental to the neighborhood or the City.
Adequate public services, public facilities and public infrastructure are available to serve the proposed project.	Public services, facilities and infrastructure are available for the proposed special event.

Staff is supportive of the SUP request. The proposed location of the beer garden is at the rear or west side of the retail center adjacent to MCC and staff does not foresee any detrimental impact to the surrounding properties. To ensure the compatibility of the use, staff has added a one-year expiration date for this event. At the time of expiration, the applicant would need to reapply for another Special Use Permit.

FINDINGS

1. The special event will be located on the west side of Korea Mart adjacent to MCC and is intended to support home soccer games for FC Arizona at MCC Stadium.
2. The special event will be open 6:00-10:00 pm on select days during the FC Arizona soccer season, which runs through June 2018.
3. The beer garden event is not adjacent to any neighboring residential uses and staff does not anticipate any injury or detriment to surrounding uses.
4. Sufficient security will be onsite to ensure no minors enter the area and no alcohol leave the premises.
5. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

ORDINANCE REQUIREMENTS

Zoning Ordinance, Sec 11-31-27: Special Events

- A. Special events as defined in Chapter 87 of this Title are permitted in all zoning districts, provided that:
1. The event is licensed in accordance with the provisions of Title 5 of the Mesa City Code;
 2. The duration of the event does not exceed the time period specified in the special event license or a maximum of 4 consecutive days, whichever is less;
 3. No more than 4 events are conducted on the same premises during the calendar year;
 4. The site of the event is adequately served by utilities and sanitary facilities; and
 5. The event will not present a safety hazard or public disturbance and will not cause substantial adverse impacts on surrounding properties or land uses by creating excessive noise, glare, heat, dust, odors, or pollutants as determined by the Director and Fire Marshal.
- B. Special events shall be conducted only on a lot that has an approved dust proof parking surface with permanent driveway access. Decomposed granite or Aggregate Base Course (ABC) gravel surfacing may be substituted for paving subject to approval by the Director and Fire Marshal.
- C. Facilities, structures, and utilities shall be installed and maintained in conformance with all applicable building, fire, traffic, and zoning regulations.
- D. The time periods specified in A(2) and (3) of this Section may be exceeded:
1. Outside of the Downtown Events Overlay District: Only as authorized by approval of a Special Use Permit in accordance with Article 7 of this Ordinance.
 2. Within the Downtown Events Overlay District, without limit to the number of events that may occur in a calendar year. Events that exceed the maximum of 4 days per event shall require a Special Use Permit in accordance with Article 7 of this Ordinance.

Zoning Ordinance, Sec 11-70-5: Special Use Permit

- E. **Required Findings.** A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.
1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
 2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
 3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
 4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.